IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 26TH NOVEMBER 2007 / 5TH AGRAHAYANA 1929

WP(C).No. 33759 of 2004(R)

PETITIONER:

PRASANNAKUMARI VINAYAN,
W/O. VINAYAKUMAR R., KARTHIKA, PERUNNAI EAST,
CHANGANASSERY.

BY ADV. SRI.S.SUBHASH CHAND

RESPONDENTS:
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1. **THE REVENUE DIVISIONAL OFFICER,**
   OFFICE OF THE REVENUE DIVISIONAL OFFICER,
   THIRUVALLA.

2. **THE DISTRICT SUPERINTENDENT OF SURVEY**
   & LAND RECORDS, OFFICE OF THE DISTRICT
   SUPERINTENDENT OF SURVEY & LAND RECORDS,
   PATHANAMTHITTA.

3. **THE EXECUTIVE ENGINEER, PWD (ROADS),**
   OFFICE OF THE EXECUTIVE ENGINEER,
   PWD (ROADS), THIRUVALLA.

4. **THE ASSISTANT EXECUTIVE ENGINEER,**
   PWD (ROADS), OFFICE OF THE ASSISTANT EXECUTIVE
   ENGINEER, PWD (ROADS), THIRUVALLA.

5. **THE ASSISTANT ENGINEER, PWD (ROADS**
   SECTION), OFFICE OF THE ASSISTANT ENGINEER,
   PWD (ROADS SECTION), THIRUVALLA.

6. **THE TAHSILDAR, TALUK OFFICE, THIRUVALLA.**

7. **THE TALUK SURVEYOR, OFFICE OF**
   THE TALUK SURVEYOR, THIRUVALLA.

***8. MARIYAMMA JOSEPH, W/O. K.P. JOSEPH,
AGED 50 YRS, RESIDING AT KUTTISSERIL HOUSE,
PODIYADE, WARD NO. 4, THIRUVALLA, PATHANAMTHITTA DIST.**

***ADDL. R8 IS IMPLEADED AS PER ORDER DATED
23/09/2005 IN IA NO. 13676/2005**

BY ADV. SRI.M.P.KRISHNAN NAIR ADDL. R8

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 26/11/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C) NO: 33759/2004 R

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE TITLE DEED DATED 5/08/97 EXECUTED IN FAVOUR OF THE HUSBAND OF THE PETITIONER.

EXT.P2. COPY OF THE NOTICE DATED 31/08/2004 ISSUED BY THE ASSISTANT ENGINEER, PWD (ROADS SECTION) THIRUVALLA.

EXT.P3. COPY OF THE APPEAL BY THE PETITIONER BEFORE THE R2.

EXT.P4. COPY OF THE REPRESENTATION DT. 1/11/2004 BY THE PETITIONER TO THE R3.

EXT.P5. COPY OF THE REPRESENTATION DT. 1/11/2004 BY THE PETITIONER TO THE R4.

EXT.P6. COPY OF THE REPRESENTATION DT. 1/11/2004 BY THE PETITIONER TO R6.

EXT.P7. COPY OF THE APPEAL SUBMITTED BY THE PETITIONER (EXCLUDING ANNEXURE) BEFORE THE R1.

RESPONDENT'S EXHIBITS

EXT.R8A. COPY OF THE COMPLAINT DT. 27/7/04 BY THE PETITIONER HEREIN BEFORE THE TAHSILDAR, THIRUVALLA.

EXT.R8B. COPY OF THE DETAILED COMPLAINT FILED BY ONE SRI. JOSEPH MATHEW STAYING AT KUTTISSERIL HOUSE, WARD NO.4 , THIRUVALLA.

EXT.R8C. COPY OF THE REPRESENTATION FILED BY SECRETARY, SNDP YOGAM NO. 3558 OF TIRUVALLA DT. NIL.

EXT.R8D. COPY OF THE ROAD SHOWING THE ENCROACHMENT ON THE PWD ROAD BY THE PETITIONER IN WP.

True copy

tga

KURIAN JOSEPH, J.

W.P.(C). NO. 33759 OF 2004

Dated this the 26th day of November, 2007.

J U D G M E N T

The issue raised in this writ petition pertains to the allegation regarding the unauthorised construction made by the petitioner. It is seen that the 2nd respondent is seized of the matter in the appeal. There will be a direction to the 2nd respondent to consider Ext.P3 with notice to the petitioner and additional 8th respondent and pas appropriate orders thereon in accordance with law within a period of four months from the date of receipt of a copy of this judgment. Interim order dated 22.11.04 will continue till such time.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

ps